

[PROPOSED] ORDER

WHEREAS Plaintiff AngioScore Inc. (“AngioScore”) and Defendants QT Vascular Ltd., Quattro Vascular Pte. Ltd., TriReme Medical, LLC, and Eitan Konstantino (collectively, “Defendants”), through their respective counsel of record, hereby STIPULATE as follows.

1. The Expert Report of Gary Gershony, M.D. shall be deemed withdrawn.
2. The Expert Report of Rajendra Cornelius shall be deemed withdrawn.
3. In view of Paragraph 1, Dr. Gershony shall not be proffered as an expert witness at trial in this action or otherwise offer any testimony in this action concerning the specific subject matter of the expert opinions provided in the Expert Report of Gary Gershony, M.D., and shall not have to sit for an expert deposition in this action.
4. In view of Paragraph 2, and in further view of AngioScore’s agreement not to call Mr. Cornelius to testify at trial in any capacity in this action, Mr. Cornelius shall not have to sit for an expert deposition in this action.
5. No party shall offer into evidence or mention in any argument that Dr. Gershony or Mr. Cornelius submitted an expert report in this action, that said expert reports were withdrawn, and/or the existence or terms of this Stipulation, except in a motion outside the hearing of the jury to enforce this Stipulation.
6. Mr. Horzewski will not rely on the Expert Reports of Gary Gershony, M.D. or Rajendra Cornelius as bases for his opinions, and will not testify at trial concerning the content of those Expert Reports or any discussions with Dr. Gershony or Mr. Cornelius concerning the content of those Expert Reports.
7. Except as set forth in Paragraph 3, this Stipulation and the withdrawal of the Expert Report of Gary Gershony, M.D. shall have no effect on Dr. Gershony’s ability to testify as a fact witness in this action or the scope of that fact testimony. Similarly, this Stipulation and the withdrawal of the

1 Expert Report of Gary Gershony, M.D. shall have no effect on any party's
2 ability to object to, or defend, any fact testimony elicited from Dr. Gershony.

- 3 8. No party shall be obligated to pay any other party's fees or costs in
4 connection with this Stipulation.

5 PURSUANT TO STIPULATION, IT IS SO ORDERED.

6 Dated: January 7, 2015



7 ~~HON. JACQUELINE SCOTT CORLEY~~

8 ~~United States Magistrate Judge~~

9 YVONNE GONZALEZ ROGERS

10 UNITED STATES DISTRICT COURT JUDGE

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